



M E M O R A N D U M

**To:** Norma Jauregui, Cluster Manager  
El Centro and Calexico  
Workforce Service Offices 0480

**Date:** June 30 2009  
**File No.:** 74:5040:LR/em

**From:** Ernesto Magaña  
Employment Development Department

**Subject: MONITOR ADVOCATE OFFICE ON-SITE ANNUAL REVIEW  
PROGRAM YEAR 2008-2009  
EL CENTRO and CALEXICO WORKFORCE SERVICE OFFICES  
FINAL MONITORING REPORT**

This Final Monitoring Report summarizes the California Monitor Advocate Office's (MAO) results of the Migrant and Seasonal Farmworkers (MSFWs) on-site annual review of the El Centro and Calexico Workforce Service (WS) offices. Lucy Ruelas, Associate Monitor Advocate, conducted this annual review from April 20, 2009 through April 23, 2009. We focused our annual on-site review on the full range of employment services, benefits, and protections, including the full range of job and training referral services, counseling, and testing provided to MSFWs.

The MAO conducted this annual on-site review under the authority of all related Federal Regulation, including Title 20 of the Code of Federal Regulation (CFR), Chapter V, Parts 651, 653, and 658, applicable State laws, and Employment Development Department (EDD) JS policies and procedures. Specifically, Title 20 CFR, Part 653.108, requires the MAO to perform ongoing reviews of EDD services to MSFWs.

We collected information for this report by examining the El Centro and Calexico WS offices' provision of services, job information sharing, job application taking process, outreach program operation, data collection, agricultural clearance order activity, and Job Service (JS) complaint system. Additionally, we interviewed the El Centro and Calexico WS offices management and staff.

We received your response on June 2, 2009, and reviewed your comments and documentation before finalizing this report.

Our annual monitoring review revealed the following finding:

**Finding:** During the pre-site review analysis, we observed that the El Centro and Calexico WS offices did not meet the Job Development Contacts (JDC) equity indicators in its service to MSFWs as indicated in the February 2009 cumulative Indicators of Compliance (IOC) Reports.

**Citation:** 20 CFR 653.101 & 109 and JS Reports Manual, Page 11

**Recommendation:** The MAO recommended that appropriate measures are taken to ensure that the JDC requirements stipulated in federal regulation and the JS Report Manual are met.

**Response:** The El Centro and Calexico WS offices' response stated that they conducted their own analysis to compare the OR03i to the IOC reports for the period of July 08 through February 09. They found a discrepancy in the numbers included in the two reports. To find out the source of the discrepancy, the El Centro and Calexico offices contacted the Workforce Services Branch (WSB) Reports Analyst to discuss how the numbers on the reports are captured and tabulated.

The WSB Reports Analyst disclosed that the IOC reporting is based on the responsible office assigned at the point of registration. Any services provided after registration are credited to the original office even when services are provided in any other office throughout the State.

Furthermore, the El Centro and Calexico WS offices' response stated that the system does not allow the local WS offices to review the client records once it goes inactive. A registration stays active for 60 days. Therefore, local WS offices are unable to confirm compliance.

**Response (cont.):**

Based on the findings of its own analysis, the Calexico and El Centro WS offices concluded that the IOC report may not be the appropriate tool to determine if equitable services are being provided when looking at individual offices. However, they believe that the IOC provides a good representation of services being provided on a statewide basis. As a matter of fact, they point out that the Department meets all equity indicators, including JDCs.

The El Centro and Calexico WS offices' response confirms staff is aware of the requirement to provide equitable services to MSFWs, the benefits of completing a quality resume, and the benefits of conducting JDCs when the service is appropriate.

**Discussion:**

The EDD is required to submit quarterly reports to the U.S. Department of Labor (USDOL) on its statewide JS accomplishments. The Indicator of Compliance (IOC) report is one of the required reports. The IOC report is used to assess parity of services to MSFWs and non-MSFWs because MSFW are a special client group according to EDD policy. Consequently, each WS office is responsible for reviewing the IOC report on a monthly basis to check the equity indicators for compliance with EDD policy and Federal reporting requirements.

The MAO has oversight responsibility for the IOC report. Therefore, MAO staff use the IOC report as part of MAO annual programmatic review of designated WS offices. We agree with the El Centro and Calexico WS offices' statement that it is still possible for EDD to meet the equity indicators statewide even though specific WS offices may not meet equity indicators. Nevertheless, pointing out to each individual WS office whether or not they are meeting the equity indicators is a component of the MAO oversight responsibility.

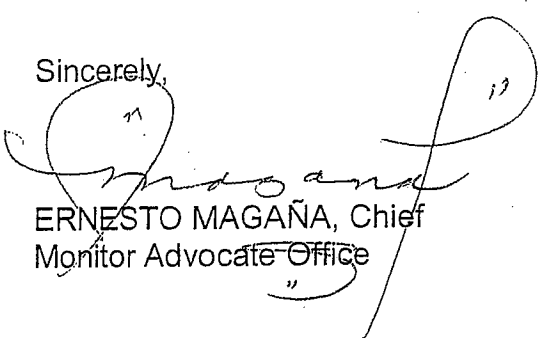
All EDD JS reports, for compliance with Federal mandated requirements, are produced by WSB staff and derived from different WSB-managed databases. If there are discrepancies in data contained in different JS reports, WSB should make every effort to ensure the validity of the reports so that the data collected can be verified by USDOL and the MAO. The MAO will continue to work collaboratively with WSB to ensure that this is accomplished.

Norma Jauregui  
June 30, 2009  
Page Four

**Discussion (cont.):** The reporting of data contained in the IOC report is mandated by USDOL and supported by EDD policy. Therefore, if WSB considers that the IOC report is not the appropriate vehicle to report this data, we welcome WSB suggested policy alternatives for consideration while ensuring that EDD meets its Federal mandated reporting requirements. The MAO supports the discussion of this issue and is committed to continue working with WSB staff and management to arrive at a reasonable alternative solution.

Please extend our appreciation to your staff for their cooperation and assistance during our review. If you have any questions, please contact Lucy Ruelas at (916) 654-6431.

Sincerely,



ERNESTO MAGAÑA, Chief  
Monitor Advocate Office

cc: Jose Luis Marquez, Deputy Chief, Workforce Services Branch  
Geneva Robinson, Division Chief, Southern Workforce Services Division  
Ray Vargas, Employment Development Administrator